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## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
| **Office Action Summary** | 10/510,452 | ERIKSSON ET AL. |
| | Examiner | Art Unit |
| | MAXWELL A. CLARK | 2416 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on <u>03 September 2008</u>.
2a)☒ This action is **FINAL**.           2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-29</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>10/04</u>.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

## DETAILED ACTION

### *Response to Arguments - 35 U.S.C. § 112 first paragraph*

Applicant's arguments with respect to the claim rejections under 35 U.S.C. § 112 first paragraph have been fully considered but they are not persuasive.

Applicants amended claims 1, 18 and 25 to include "a reply message that comprises data packets to be deleted in the first radio access node" to overcome the rejections of claims 1-29 under 35 U.S.C. § 112 first paragraph because independent claims 1, 18, and 25 recite transmitting data packets that have been deleted or discarded.  The instant amended claims include a reply message comprising data packets to be deleted, discarding the data packets, and then transmitting the data packets.  One of ordinary skill in the art would recognize that the action of sending a data that is deleted is not enabled.

### *Response to Arguments - 35 U.S.C. § 112 second paragraph*

1.    Applicant's arguments with respect to claim rejections under 35 U.S.C. § 112 second paragraph have been fully considered and are persuasive.  The rejections of claims 1, 6-12, 15-16, 18-22, 25 and 28-29 has been withdrawn.

### *Response to Arguments - 35 U.S.C. § 103*

2.    Applicant's arguments filed with respect to claim rejections under 35 U.S.C. § 103 have been fully considered but they are not persuasive. Regarding claim 1-29, applicant argue that cited art does not teach the limitations in the amended claims, i.e. "sending a reply message from the first cell radio access node to the SGSN, wherein the reply message comprises at least one of the data packets to be deleted in the first

cell radio access node," or that "the reply message comprises data packets to be

deleted," or that "the acknowledgment comprises the data packets to be deleted in the

base station." Arguments are based on amendments to the claims which do not comply

with 35 U.S.C. 112, first paragraph because one of ordinary skill in the art would have

recognized that once packets have been deleted or discarded they cannot be further

transmitted.

### *Claim Rejections - 35 USC § 112*

3.      The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

4.      Claims 1-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention.

Claims 1, 18 and 25 recite a reply message comprising data packets to be

deleted, discarding the data packets, and then transmitting the data packets. Once

packets have been deleted or discarded there is no support or claims enabling the

transmission of the discarded or deleted data.

Claim 1 further recites sending a first message from the SGSN to the first cell

radio access node in response to said first message. There is no support or claims that

would enable sending a first message in response to said first message.

Claim 18 further recites a first message from a serving GPRS support node
(SGSN) indicating a cell change of a mobile station, by sending a reply message to the
SGSN.  There is no support or claims that would enable a first message from a serving
GPRS support node (SGSN) indicating a cell change of a mobile station, by sending a
reply message to the SGSN.

Claim 25 further recites said first message causing stored data packets intended
for transmission to the mobile station to be deleted in the first cell radio access node,
and then receiving a reply to said first message, wherein the reply comprises the data
packets to be deleted.  Once packets have been deleted or discarded there is no
support or claims enabling the transmission of the discarded or deleted data.

### *Claim Rejections - 35 USC § 103*

5.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.      The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148
USPQ 459 (1966), that are applied for establishing a background for determining
obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.      Determining the scope and contents of the prior art.
2.      Ascertaining the differences between the prior art and the claims at issue.
3.      Resolving the level of ordinary skill in the pertinent art.
4.      Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

7.      Claims 1-6 and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Landais et al. (US 2005/0007980 A1) in view of Muniere (US 2005/0096063 A1).

Regarding claim 1, Landais discloses controlling a cell change in a mobile

communications network, in which data is transmitted from a core network node to a

mobile station in packets, and in which data packets are stored in a respective radio

access node before transmission to the mobile station (¶0075-¶0079); detecting a cell

change of a mobile station, from a first cell served by a first cell radio access node to a

second cell served by a second cell radio access node (¶0076); sending a first message

from the core network node to the first cell radio access node (¶0077); in response to

said first message, discarding any data packets stored in the first cell radio access node

for transmission to the mobile station, and sending a reply message to the core network

node (¶0077); and in response to said reply message, transmitting said data packets,

discarded in the first cell radio access node, from the core network node to the second

cell radio access node (¶0078-¶0079).  Landais does not expressly disclose the data

packets stored in respective radio access nodes before transmission to the mobile

station.  Examiner takes official notice that in a data network, such as the GPRS

network discloses by Landais, each element in the network, i.e. as illustrated in figs. 1-

6, stores the data packets before transmission.  Therefore it would have been obvious

to one of ordinary skill in the art at the time of the application to disclose the data

packets stored in respective radio access nodes before transmission to the mobile

station in Landais.  Landais does not expressly disclose discarding data packets stored

in a cell radio access node.  Muniere discloses discarding data packets stored in a cell

radio access node, ¶0036- ¶0037, so that when a cell update message is received from

the mobile station, indicating that the cell reselection has been effected successfully, the

SGSN transmits a "FLUSH-LL PDU" message to the entity of the BSS controlling the

old cell, in order to initiate one or the other of the following two procedures: deletion of

the LLC-PDU received by the entity controlling the old cell before transmitting the

"RADIO STATUS PDU" message and not yet acknowledged if the LLC is operating in

acknowledged mode, or transfer of these data units to the entity controlling the new cell,

and the entity of the BSS controlling the old cell transmits a "FLUSH-LL-ACK PDU"

message to the SGSN indicating if said data units have been deleted or transferred. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

include the teachings of Muniere in Landais so that when a cell update message is

received from the mobile station, indicating that the cell reselection has been effected

successfully, the SGSN transmits a "FLUSH-LL PDU" message to the entity of the BSS

controlling the old cell, in order to initiate one or the other of the following two

procedures: deletion of the LLC-PDU received by the entity controlling the old cell

before transmitting the "RADIO STATUS PDU" message and not yet acknowledged if

the LLC is operating in acknowledged mode, or transfer of these data units to the entity

controlling the new cell, and the entity of the BSS controlling the old cell transmits a

"FLUSH-LL-ACK PDU" message to the SGSN indicating if said data units have been

deleted or transferred.

Regarding claim 2, Landais discloses the network is a GPRS network, and the

core network node is an SGSN (¶0077, fig. 1).

Regarding claim 3, Landais discloses the first message is a FLUSH-LL command

(¶0077).

Regarding claim 4, Landais discloses the data packets comprise data packets

transmitted in LLC unacknowledged mode (¶0077, fig. 7-step 8, wherein step 8 is LLC

unacknowledged while step 9 is LLC acknowledged).

Regarding claim 5, Landais discloses the second cell is in a different Routing

Area or different Network Service Entity from the first cell (¶0076, wherein the routing

area update message to the SGSN indicates the second cell in a different routing area).

Regarding claim 6, Landais discloses data transmitted from the core network

node to a radio access node in acknowledged mode or in unacknowledged mode

(¶0115-¶0118, ¶0155- ¶0157, fig. 7, step 8 and 9 show flush-ll and flush-ll-ack in

unacknowledged  and acknowledged mode respectively), wherein data transmitted in

unacknowledged mode are retained in the core network node for a predetermined time

period, and wherein said reply message allows the data packets discarded in the first

cell radio access node to be identified in the core network node.  Landais discloses

flush-ll in acknowledged mode, as illustrated in fig. 7.  Landais does not expressly

disclose discarded data packets being identified.  Muniere discloses cell identification

(¶0025) and the BSS controlling the old cell transmitting a flush-ll-ack pdu message to

the SGSN for the purpose of indication if said data units have been deleted or

transferred.  It would have been obvious to one of ordinary skill in the art at the time of

the application to include transmitting a flush-ll-ack pdu message to the SGSN for the

purpose of indication if said data units have been deleted or transferred.

Regarding claim 8, Muniere discloses specifically identifying the data packets discarded in the first cell radio access node (¶0025, ¶0037).

Regarding claim 9, Muniere discloses the network is a GPRS network, and the core network node is an SGSN (¶0035).

Regarding claim 10, Muniere discloses the network is a GPRS network, and the acknowledged mode and unacknowledged mode are LLC-acknowledged mode and LLC-unacknowledged mode respectively (¶0035- ¶0037).

Regarding claim 11, Muniere discloses the first message is a FLUSH-LL command (¶0035- ¶0036).

Regarding claim 12, Muniere discloses including copies of the data packets discarded in the first cell radio access node (¶0051).

Regarding claim 13, Muniere discloses the network is a GPRS network, and the core network node is an SGSN (¶0054).

Regarding claim 14, Muniere discloses the first message is a FLUSH-LL command (¶0051, ¶0054).

Regarding claim 15, Landais discloses the network is a GPRS network, the first cell radio access node is a first BSS, and the second cell radio access node is a second BSS (fig. 1, top bsc and bottom bsc).

Regarding claim 16, Landais discloses the network is a GPRS network, the first cell radio access node is a first BSS, and the second cell radio access node is the first BSS (fig. 1, bts).

8.      Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landais et al. (US 2005/0007980 A1) in view of Muniere (US 2005/0096063 A1) as applied to claims 1 and 6 above, and further in view of Kalliokulju et al. (US 2001/0017850 A1).

Landais discloses data transmitted from the core network node to a radio access node in acknowledged mode or in unacknowledged mode (¶0115-¶0118, ¶0155- ¶0157, fig. 7, step 8 and 9 show flush-ll and flush-ll-ack in unacknowledged and acknowledged mode respectively).  Landis does not expressly disclose a reply message indicates the number of data packets discarded in the first cell radio access node.  Kalliokulju discloses reply message indicates the number of data packets discarded in the first cell radio access node (¶0043, ¶0049) in order to determine when the maximum value of retransmissions has been exceeded.  It would have been obvious to one of ordinary skill in the art at the time of the application to include a reply message indicates the number of data packets discarded in the first cell radio access node in Landis, as in Kalliokulju, for the purpose of determining when the maximum value of retransmissions has been exceeded.

9.      Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landais et al. (US 2005/0007980 A1) in view of Muniere (US 2005/0096063 A1) as applied to claim 1 above, and further in view of Haumont et al. (US 2001/0012279 A1).

Regarding claim 17, Landais discloses the network is a GPRS network; the core network node comprises a first SGSN; the first cell is in a first NSE served by the first SGSN (fig. 1, fig. 7, and ¶0155-¶0157). Landais does not expressly disclose the second cell is in a second NSE served by a second SGSN; and wherein the step of transmitting

said data packets from the core network node to the second cell radio access node comprises transmitting said data packets from the first SGSN to the second SGSN and then to the second cell radio access node. Haumont discloses the second cell is in a second NSE served by a second SGSN; and wherein the step of transmitting said data packets from the core network node to the second cell radio access node comprises transmitting said data packets from the first SGSN to the second SGSN and then to the second cell radio access node (¶0095) for the purpose of exchanging information between SGSNs. It would have been obvious to one of ordinary skill in the art at the time of the application to include a second cell is in a second NSE served by a second SGSN; and wherein the step of transmitting said data packets from the core network node to the second cell radio access node comprises transmitting said data packets from the first SGSN to the second SGSN and then to the second cell radio access node in Landais, as in Haumont for the purpose of SGSN data intercommunications.

10.     Claims 18 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landais et al. (US 2005/0007980 A1) in view of Muniere (US 2005/0096063 A1).

Regarding claim 18, Landais discloses a radio access node, for use in a mobile communications network, the radio access node storing data packets before transmission to a mobile station (fig. 1), the radio access node further acting on a first message from a core network node indicating a cell change of a mobile station (¶0076), discarding any data packets stored for transmission to the mobile station (¶0077), and sending a reply message to the core network node (¶0078), wherein said core network node is enabled to transmit said data packets, discarded in said radio access node, to

the a second radio access node in response to said reply message (¶0079). Landais

does not expressly disclose the data packets stored in respective radio access nodes

before transmission to the mobile station.  Examiner takes official notice that in a data

network, such as the GPRS network discloses by Landais, each element in the network,

i.e. as illustrated in figs. 1-6, stores the data packets before transmission.  Therefore it

would have been obvious to one of ordinary skill in the art at the time of the application

to disclose the data packets stored in respective radio access nodes before

transmission to the mobile station in Landais. Landais does not expressly disclose

discarding data packets stored in a cell radio access node.  Muniere discloses

discarding data packets stored in a cell radio access node, ¶0036- ¶0037, so that when

a cell update message is received from the mobile station, indicating that the cell

reselection has been effected successfully, the SGSN transmits a "FLUSH-LL PDU"

message to the entity of the BSS controlling the old cell, in order to initiate one or the

other of the following two procedures: deletion of the LLC-PDU received by the entity

controlling the old cell before transmitting the "RADIO STATUS PDU" message and not

yet acknowledged if the LLC is operating in acknowledged mode, or transfer of these

data units to the entity controlling the new cell, and the entity of the BSS controlling the

old cell transmits a "FLUSH-LL-ACK PDU" message to the SGSN indicating if said data

units have been deleted or transferred.  It would have been obvious to one of ordinary

skill in the art at the time of the invention to include the teachings of Muniere in Landais

so that when a cell update message is received from the mobile station, indicating that

the cell reselection has been effected successfully, the SGSN transmits a "FLUSH-LL

PDU" message to the entity of the BSS controlling the old cell, in order to initiate one or

the other of the following two procedures: deletion of the LLC-PDU received by the

entity controlling the old cell before transmitting the "RADIO STATUS PDU" message

and not yet acknowledged if the LLC is operating in acknowledged mode, or transfer of

these data units to the entity controlling the new cell, and the entity of the BSS

controlling the old cell transmits a "FLUSH-LL-ACK PDU" message to the SGSN

indicating if said data units have been deleted or transferred.

Regarding claim 20, Muniere discloses specifically identifying the data packets

discarded in the first cell radio access node (¶0025, ¶0037).

Regarding claim 21, Muniere discloses including copies of the data packets

discarded in the first cell radio access node (¶0051).

Regarding claim 22, Muniere discloses the network is a GPRS network, and the

radio access node comprises a BSS (¶0055).

Regarding claim 23, Muniere discloses the network is a GPRS network, and the

core network node is an SGSN (¶0054).

Regarding claim 24, Muniere discloses the first message is a FLUSH-LL

command (¶0051, ¶0054).

11.     Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landais

et al. (US 2005/0007980 A1) in view of Muniere (US 2005/0096063 A1) as applied to

claim 1 above, and further in view of Haumont et al. (US 2001/0012279 A1).

Regarding claim 17, Landais discloses the network is a GPRS network; the core

network node comprises a first SGSN; the first cell is in a first NSE served by the first

SGSN (fig. 1, fig. 7, and ¶0155-¶0157). Landais does not expressly disclose the second

cell is in a second NSE served by a second SGSN; and wherein the step of transmitting

said data packets from the core network node to the second cell radio access node

comprises transmitting said data packets from the first SGSN to the second SGSN and

then to the second cell radio access node.  Haumont discloses the second cell is in a

second NSE served by a second SGSN; and wherein the step of transmitting said data

packets from the core network node to the second cell radio access node comprises

transmitting said data packets from the first SGSN to the second SGSN and then to the

second cell radio access node (¶0095) for the purpose of exchanging information

between SGSNs.  It would have been obvious to one of ordinary skill in the art at the

time of the application to include a second cell is in a second NSE served by a second

SGSN; and wherein the step of transmitting said data packets from the core network

node to the second cell radio access node comprises transmitting said data packets

from the first SGSN to the second SGSN and then to the second cell radio access node

in Landais, as in Haumont for the purpose of SGSN data intercommunications.

12.     Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landais

et al. (US 2005/0007980 A1) in view of Muniere (US 2005/0096063 A1) as applied to

claims 18 above, and further in view of Kalliokulju et al. (US 2001/0017850 A1).

Landais discloses data transmitted from the core network node to a radio access

node in acknowledged mode or in unacknowledged mode (¶0115-¶0118, ¶0155- ¶0157,

fig. 7, step 8 and 9 show flush-ll and flush-ll-ack in unacknowledged and acknowledged

mode respectively).  Landis does not expressly disclose a reply message indicates the

number of data packets discarded in the first cell radio access node. Kalliokulju

discloses reply message indicates the number of data packets discarded in the first cell

radio access node (¶0043, ¶0049) in order to determine when the maximum value of

retransmissions has been exceeded. It would have been obvious to one of ordinary skill

in the art at the time of the application to include a reply message indicates the number

of data packets discarded in the first cell radio access node in Landis, as in Kalliokulju,

for the purpose of determining when the maximum value of retransmissions has been

exceeded.

13.     Claims 25, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Landais et al. (US 2005/0007980 A1) in view of Muniere (US

2005/0096063 A1).

Regarding claim 25, Landais discloses a core network node for use in a mobile

communications network, in which data is transmitted from the core network node to a

mobile station in packets, and in which data packets are stored in a respective radio

access node before transmission to the mobile station (fig. 1), detecting a cell change of

a mobile station from a first cell served by a first cell radio access node to a second cell

served by a second cell radio access node (¶0076); means for sending a first message

from the core network node to the first cell radio access node in response to a cell

change detection causing the first cell radio access node to delete stored data packets

intended for transmission to the mobile station (¶0077); means for receiving a reply to

said first message and, in response to said reply, transmitting said data packets,

discarded in the first cell radio access node from the core network node to the second

cell radio access node (¶0077-¶0078). Landais does not expressly disclose the data

packets stored in respective radio access nodes before transmission to the mobile

station. Examiner takes official notice that in a data network, such as the GPRS

network discloses by Landais, each element in the network, i.e. as illustrated in figs. 1-

6, stores the data packets before transmission. Therefore it would have been obvious

to one of ordinary skill in the art at the time of the application to disclose the data

packets stored in respective radio access nodes before transmission to the mobile

station in Landais. Landais does not expressly disclose discarding data packets stored

in a cell radio access node. Muniere discloses discarding data packets stored in a cell

radio access node, ¶0036- ¶0037, so that when a cell update message is received from

the mobile station, indicating that the cell reselection has been effected successfully, the

SGSN transmits a "FLUSH-LL PDU" message to the entity of the BSS controlling the

old cell, in order to initiate one or the other of the following two procedures: deletion of

the LLC-PDU received by the entity controlling the old cell before transmitting the

"RADIO STATUS PDU" message and not yet acknowledged if the LLC is operating in

acknowledged mode, or transfer of these data units to the entity controlling the new cell,

and the entity of the BSS controlling the old cell transmits a "FLUSH-LL-ACK PDU"

message to the SGSN indicating if said data units have been deleted or transferred. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

include the teachings of Muniere in Landais so that when a cell update message is

received from the mobile station, indicating that the cell reselection has been effected

successfully, the SGSN transmits a "FLUSH-LL PDU" message to the entity of the BSS

controlling the old cell, in order to initiate one or the other of the following two

procedures: deletion of the LLC-PDU received by the entity controlling the old cell

before transmitting the "RADIO STATUS PDU" message and not yet acknowledged if

the LLC is operating in acknowledged mode, or transfer of these data units to the entity

controlling the new cell, and the entity of the BSS controlling the old cell transmits a

"FLUSH-LL-ACK PDU" message to the SGSN indicating if said data units have been

deleted or transferred.

Regarding claim 26, Landais discloses the network is a GPRS network, and the

core network node is an SGSN (¶0077, fig. 1).

Regarding claim 28, Landais discloses data transmitted from the core network

node to a radio access node in acknowledged mode or in unacknowledged mode

(¶0115-¶0118, ¶0155- ¶0157, fig. 7, step 8 and 9 show flush-ll and flush-ll-ack in

unacknowledged  and acknowledged mode respectively), wherein data transmitted in

unacknowledged mode are retained in the core network node for a predetermined time

period, and wherein said reply message allows the data packets discarded in the first

cell radio access node to be identified in the core network node.  Landais discloses

flush-ll in acknowledged mode, as illustrated in fig. 7.  Landais does not expressly

disclose discarded data packets being identified.  Muniere discloses cell identification

(¶0025) and the BSS controlling the old cell transmitting a flush-ll-ack pdu message to

the SGSN for the purpose of indication if said data units have been deleted or

transferred.  It would have been obvious to one of ordinary skill in the art at the time of

the application to include transmitting a flush-ll-ack pdu message to the SGSN for the

purpose of indication if said data units have been deleted or transferred.

Regarding claim 29, Muniere discloses the network is a GPRS network, and the

acknowledged mode and unacknowledged mode are LLC-acknowledged mode and

LLC-unacknowledged mode respectively (¶0035- ¶0037).

14.     Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landais

et al. (US 2005/0007980 A1) in view of Muniere (US 2005/0096063 A1) as applied to

claim 1 above, and further in view of Haumont et al. (US 2001/0012279 A1).

Regarding claim 27, Landais discloses the network is a GPRS network; the core

network node comprises a first SGSN; the first cell is in a first NSE served by the first

SGSN (fig. 1, fig. 7, and ¶0155-¶0157). Landais does not expressly disclose the second

cell is served by a second different SGSN; said node is adapted to transmit data

packets to the second cell radio access node through the second SGSN.  Haumont

discloses the second cell is served by a second different SGSN; said node is adapted to

transmit data packets to the second cell radio access node through the second SGSN.

(¶0095) for the purpose of exchanging information between SGSNs.  It would have

been obvious to one of ordinary skill in the art at the time of the application to include a

second cell is served by a second different SGSN, said node is adapted to transmit data

packets to the second cell radio access node through the second SGSN. in Landais, as

in Haumont for the purpose of SGSN data intercommunications.

*Conclusion*

15.    The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Landais, Bruno et al. (US 2005/0007980 A1), BOURDEAUT S et

al. (US 2005/0007980 A 1), Walldeen, Thomas et al. (US 2005/0237976 A1),  Fujino;

Shozo  (US 7319676 B2), Forssell; Mika et al. (US 6714784 B1), Hurtta; Tuija et al. (US

7054945 B2), Einola; Heikki et al. (US 6438370 B1), Menzel; Christian et al. (US

7197019 B2), Ahmavaara; Kalle et al. (US 7359347 B2), Tourunen, Ari et al. (US

2001/0043579 A1).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MAXWELL A. CLARK whose telephone number is (571)

270-1956.  The examiner can normally be reached on Monday to Thursday 7:30A.M.

through 5:00P.M. Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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                                                          December 1, 2008

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